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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
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The United States District Court
For The District of Arizona

United States of America
Plaintiff/Respondent

Case No. _____

Crim

CR-22-08092-PCT-SMB-1

v.s.

Samuel Bateman
Defendant/Petitioner

Motion to vacate
and/or set aside
Sentence and Conviction
28 U.S.C. - 2255

Comes now the defendant [Herein After "the Defendant"] Proceeding pro se request an order from this court to vacate, modify and or set aside the defendants sentence and conviction that was imposed in violation of the United States Constitution, its laws and policies statutes and customs.

The Court further lacked personal and subject matter jurisdiction in this matter. "[T]HE defendant further alleges that his case was not committed upon any federally ceded land territorial or maritime land that is under the federal jurisdiction or described under the United States Constitution that would give this court criminal jurisdiction over this defendant in this matter.

This case is properly before this Court under the statutory authority of 28 U.S.C. 2255.

A) The defendant in the case claims that his sentence and conviction were the result of ineffective assistance of council and structural errors with-in the Sixth ammendment of the United States Constitution and the Bill of Rights and the Constitution of the state of Arizona specifically the 6th ammendment where the defendant is entitled to relief.

(aa) FACTS

That the defendant was arrested and charged with violating federal statutes in this court room. The defendants initially had hired Adam Zickerman, however there was a breakdown in communication that led too heated argument where he was fired. Then the defendant hired Marc Victor who was just as ineffective as the defendants former attorney, subsequently the federal Public Defenders office was appointed to represent the defendant, his name was Myles Schnelder, the defendant alleges prior to any plea and throughout the proceedings the defendant had request to see all police reports, any audio video, police body cam). Any request for Search Warrants, any and all statements, or proffers that were made against the defendant, the defendant requested the all tapes of the concerned citizen who reported to the police, any incident August 28, 2022. The defendant requested the dash cam of the high-way

arrest on 8-28-2022 from all the vehicles. The defendant requested any and all reports, "log report from the police cruisers. He further requested the certified training logs of all departmental employees involved in the arrest of the defendant.

The defendant requested Child Protective Services interview that were done on adverse witnesses. The defendant argued countless times with his attorney before entering a plea. That he wanted to view the governments evidence before he enter any plea. The defendants attorney became very hostile and threatened the defendant with a life sentence if he did not plead to the charges. The defendant insisted he would have went to trial rather than waiving all his rights and pleading to a 50yr sentence where he's entitled to redress. The conversation were done off record. Also included in the request were In Camera reviews of the Grand Jury minutes. The defendants request were denied. The defendant believe his conviction is by information not indictment, voiding his sentence.

(B) The defendant alleges that his sentence and conviction were in violation of the

FIRST Amendment OF The United States Constitution AND The STATE Bill OF RIGHTS AND the FIRST Amendment OF the State Constitution OF the State OF ARIZONA) SPECIFICLY, "Freedom of Religion"

FACTS

That, one OR ABOUT August 28, 2022, The defendant WAS pulled over ALONG with his FAMILY including his (22) WIVES AND (11) CHILDREN who WERE TRAVELING AS (one) unit AND one unified Religious group who WERE on their way TO a Real Estate CONFERENCE IN Scottsdale ARIZONA. The defendant WAS subsequently ARRESTED AND charged with human trafficking. However (The) defendant's Religious Beliefs FOR (example)

1' TRAVELING AS one unit
AND one FAMILY were
"VIOLATED"

When the FAMILY WAS discovered IN A TRAILER, it MAY HAVE VIOLATED HIGHWAY ORDINANCE LAWS BUT it [WAS over reaching] SAYING [HUMAN TRAFFICKING], IT'S ALL over reaching, BY government LAW ENFORCEMENT What? we had here [WAS] nothing more than COMPANIONS Under god's LAWS, AND WITH-IT the ARTICLES OF INCORPORATION OF THE FUNDAMENTALISM OF LATER DAY SAINTS THERE WAS NOT one person FEMALE OR PAID MINOR CHILD who WERE NOT FREE TO GO AND COME AS they PLEASED. How the defendant AND his COMPANION WIVES LIVED WERE acceptable before "god's" LAWS AND the LAWS OF SISTER RELIGIOUS GROUPS SUCH AS the AMIS AND MEMBER OF

Scientology who travel with their wives sometimes more than 100 at once given time. But Law enforcement labeled their Religion, Traffickers Pimps, Thieves, the part

The 1st Amendment to the United States Constitution provides that we the People who are United States Citizens have a Right to Freedom of Religion → Freedom [Being], the modifier of Religion means just that "Freedom" Freedom to pray to god of choice and to express oneself in the eyes of god. Within the private perimeter of ones home where a man and woman can express their love too each other and god alike without government intrusion, "Here that right to choose and express freely was violated where the defendant is entitled to have his sentence vacated.

" The defendant further states in the same vein that his common law rights to practice were violated under the same set of facts

C) The defendant alleges that his

That, his Sentence and Conviction were in Violation of the Fourth Amendment of the United States Constitution, in part reads;

"That it shall be illegal for the government to search and seize a persons home, his property and effects without probable cause or without a search warrant upon probable cause-

The defendant further alleges that a search without a warrant violates common law property rights in the state of Arizona.

FACTS

On August 28, 2022 while traveling on either I10, or I17 heading toward Phoenix Arizona, apparently a concerned citizen made a 911 call to local authorities.

"[W]hile driving, the defendant noticed a utility vehicle following him so he decided too pull over when the said vehicle pull in front of him [the defendant]. Subsequently the defendant turned into an off ramp made a right where he eventually got out of the truck where several other vehicles arrived. While standing there in

handcuffs. (Where the defendant didn't feel free to leave). Local law enforcement search his vehicles, papers, phones, and effects without a warrant or consent, nor did the defendant give any permission to do so.

The defendant alleges that he told his attorney to file several motions relating to the warrantless arrest but his attorney did nothing where the defendant is entitled to relief.

- D) The defendant alleges that his sentence and conviction are in violation of Flagstaff's public policies, including its rules and regulations customs which directs local law enforcement on how and what manner and under what circumstances to conduct a traffic stop, within the territorial jurisdiction of The United States of America.

x **FACTS**

On August 28, 2022 The defendant and his family were intruded upon by several different agents who were employed by different departments.

The defendant alleges that his common law rights were

violated. Specifically he was searched, his family were searched without a warrant or probable cause, The law enforcement employee hand-book specifically out-lines proper procedures when interacting with local citizens living within the boundaries of the State of Arizona, furthermore the Department rules were violated, voiding his conviction.

(E) The defendants sentence and conviction was the result of a violation of the due Process Clause of The United States Constitution "[5th]" ammendment as well as the Bill of Rights in the State of Arizona.

In the same vein, The defendant alleges that his conviction violated the provisional codes of the Family doctrine which reads:

The United States and the State of Arizona or any governmental official not intrude or impose or pass laws that will divide or hinder The Holy Union of Husband and wife nor shall they interfere in the raising of their children at any time without probable

or without a warrant under oath or affirmation.

FACT On or about August 28, 2022 and long before that date Colorado City in conjunction with Bi-lateral law enforcement agencies were illegally surveilencing the defendant and his family using digital cameras to take Photos and high-tech microphone to intercept phone calls and to listen in on their private conversations without warrants or permission by a local judge or U.S. attorney as outline under Safe Streets Ombusman Act 2510-2525 Wire-tapping law where law enforcement can be held liable for money damages in violation of the due Process Clause and in violation of the states audio and video laws.

The defendant further alleges that his conviction is in violation of the Element Clause. The government has throughout the proceedings has stated the defendant was married to several females some of age and some of minor age. The defendants sentence lacked [Factual Basis].

and foundation Under Fed. R. Crim. P. (11) in part. The defendants sentence must be proven using all the elements within the statute. The defendant was not married to anyone ever involved in the current case.

(F) The defendant's sentence and conviction was the result of illegal acts and omissions that were in violation of Child Protective Services administration hand-book that outlines proper procedure when handling minor children.

In addition Child Protective Services used Counter Intelligence tactics and illegal methods to brainwash the defendant's step children [into giving false testimony that was not under oath and specifically, just for the record the said minor children were [step children] by common law Union ICPS workers worked in concert with local and State as well as federal Prosecutorial teams to obtain fabricated testimony while the minor children were under duress mentally and physically.

(g) The defendant sentence and conviction are in violation of the states and federal constitution, Under the 14th

ammendment to The United States Constitution

Specifically the right to be treated equally under the color of state & federal law, their customs policies rules regulations.

FACT The defendant chose to exercise his right to freedom of religion when he was (21) yrs of age as guaranteed by The United States Constitution and the Constitution of the State of Arizona.

The Fundamentalist group of the Latter Day Saints are a religious group that has been publicly scrutinized by government official, county & local government and national government personnel.

The above named governmental institutions have waged war both verbally, mentally, and sometimes physical because they dont agree with it's teachings. For example having multiple companions who the government insists are legal wives, Placing labels like bigotry human trafficker, child molesters insisters, and unorthodox religious groups.

However, other groups such as the Amish the Church of

Scientology, The Mormon who have more than one companion. The government for year have ousted The Fundamentalist group vs. the rest of the other similar situated group, treating one different than the others, profiling and selective prosecution of one and not the other.

(H) The defendant sentence contains a disparity under 3553(A)(6) in part.

[The defendant received a 50 yr. sentence for practicing his American right [Freedom of Religion]

However, focusing on national averages on federal convictions individuals who are convicted of murder in The United States receive an average of 23.3 yrs in prison. He alleges that his conviction contains a grave disparity, and as a note the defendant does not have prior federal or state conviction.

(I) The defendants sentence and conviction was not knowingly, voluntarily, or intelligently made.

FACT The defendant went in front of the judge to plea guilty under Fed. R. Crim. P. (11). The government never proved each and every element of his charges.

The government throughout the proceedings referred to 22 females as (wives). However the defendant was not married to even one person ever. There no Factual basis to Plead guilty because of extreme duress mental anguish verbal threats (physical threats telling the defendant inmates and were gonna harm him.

The defendants sentence and conviction were in violation (241)(242) of the civil Rights code.


The United States of America by and through their employees and in concert with local law enforcement along with surrounding

civilians conspired and were in agreement to violate the defendants Freedoms, his liberty, his expectation of privacy, his right to freedom of religion, his right to freedom of choice and the right to choose how many companions he could have at once, Within the law his right to not be search without a warrant, his right to equal protection under the law of this great land.

FACTS That for many year local law enforcement in concert with other agencies have illegally surveilled the defendant without a warrant or probable cause with the intent to injure him and intimidate his female companions with the goal to dismantel his religious belief in the Fundamentalist group of Latter Day Saints with the overall goal "Imprisonment" and death at the hand of convicted serial killers at U.S.P. Victorville. That started at Flagstaff County Jail where knives and other weapons were used to remove him from general population.

Date this 6th day of June, 2025

(14)


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